

COMMITTEE AMENDMENT FORM

Committee PSLA Page Number(s) _____

Ordinance I.D.# 02-0-0675 Section(s) 10-109(h)

Resolution I.D.# _____ Paragraph _____

Date 4-9-02

Amendment: Add "As part of the above form submitted
to the department of Police, the applicant
shall also submit a copy of the written
notification to the property owner and
the original return receipt.

by Ray English

FWM
4/11/02

Amended
A⁰SUBSTITUTE ORDINANCE BY
COUNCILMEMBER CEASAR MITCHELL

02-O-0675

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, CHAPTER 10, ARTICLE II, DIVISION 2, SUBDIVISION III, SECTION 10-109(h), SO AS TO PROVIDE A METHOD FOR AN ALCOHOLIC BEVERAGES LICENSE APPLICANT TO CERTIFY THAT THE PROPERTY OWNER OF THE PROPOSED LICENSED PREMISES HAS BEEN NOTIFIED OF SECTION 10-109(h); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages; and

WHEREAS, currently an alcoholic beverages license applicant must provide a form to the Atlanta Police Department signed by the property owner of the proposed licensed establishment that states such property owner has been notified of Atlanta City Code §10-109(h), in order to obtain an alcoholic beverages license; and

WHEREAS, the City has received complaints that some property owners are refusing to sign the form despite their receiving notice from the applicant of Atlanta City Code §10-109(h), thus frustrating an applicant's efforts to obtain an alcoholic beverages license; and

WHEREAS, the City now wishes to provide a new method for an applicant to provide proof to the Atlanta Police Department of notification to the property owner of Atlanta City Code §10-109(h), without in any way relieving a property owner of his responsibilities as currently stated in Atlanta City Code §10-109(h).

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

That Chapter 10, Article II, Section 10-109(h) be amended to delete the current language and to insert in lieu thereof the following language:

(h) Property owners of licensed premises will be responsible to a reasonable extent for unlawful activity which occurs on their premises on a regular basis such that the property owner knows or should have known that such unlawful activity was taking place on the licensed premises. If it appears that such activity was encouraged or if it appears that the property owner could have prevented such activity, in addition to being authorized to deny, revoke and refuse to renew the license, the mayor shall be authorized to deny the issuance of any license under this division at that location for a period up to two years from the occurrence of

such unlawful activity, and such property shall also lose its permitted and nonconforming uses for the same period. At the time an application is submitted, the applicant shall also submit a form, provided by the department of police and signed by the applicant, which certifies that the applicant has provided written notification of the provisions of this section to the property owner of the proposed licensed premises via certified mail, return receipt requested. As part of the above form submitted to the department of police, the applicant shall also submit a copy of the written notification to the property owner and the original return receipt. Property owners will not be responsible for unlawful activity on their property unless they have first been warned in writing by certified or registered mail, at least once, that such activity was occurring on the property. Property owners shall only be responsible for unlawful activity similar to that about which they were warned. However, this section does not require that such owners be notified about every instance of unlawful activity occurring on their property.

Section 2.

If it shall be found that any prior ordinance or parts of any prior ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

AN ORDINANCE BY

Cesar C. Mitchell

02-0 -0675

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